

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

MARK ROBERT POMERANCE,

Plaintiff,

vs.

MICHAEL J. ASTRUE,

Defendant.

CASE NO. 10-CV-1168 JLS (BLM)

**ORDER: (1) ADOPTING REPORT  
AND RECOMMENDATION; (2)  
DISMISSING CASE FOR  
FAILURE TO PROSECUTE**

(Doc. No. 13)


On November 29, 2010, Magistrate Judge Barbara L. Major issued a report and recommendation advising the Court to dismiss this action for failure to prosecute. (Doc. No. 13 (R&R).) Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court's duties in connection with a magistrate judge's report and recommendation. The district court must "make a de novo determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 673–76 (1980); *United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection, the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

Neither party has timely objected to Magistrate Judge Major's report and recommendation.

1 (See R&R 4–5 (objections due by December 15, 2010).) Having reviewed the report and  
2 recommendation, the Court finds that it is thorough, well reasoned, and contains no clear error.  
3 Accordingly, the Court hereby (1) **ADOPTS** Magistrate Judge Major’s report and recommendation  
4 and (2) **DISMISSES** this case **WITH PREJUDICE** for failure to prosecute.

5 **IT IS SO ORDERED.**

6  
7 DATED: May 12, 2011

8   
9 Honorable Janis L. Sammartino  
United States District Judge